

8-7-06

PAC 12

I hereby certify that this paper is being deposited with the United States Postal Service via Express Mail to the United States Patent and Trademark Office on the date indicated below.  
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By [Signature] Date: 8/3/06

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: **John G Apostolopoulos et al**  
Serial No: **09/784,226**  
Filed: **02/16/2001 (01/19/2001)**

Group Art Unit: **2661**  
Examiner:  
Confirmation No: **2518**

Title: **METHOD AND SYSTEM FOR PACKET COMMUNICATION EMPLOYING PATH DIVERSITY**

Attorney Docket: **10006736-1**

**PETITION TO SECURE FILING DATE BY CORRESPONDENCE DELIVERED VIA EXPRESS MAIL UNDER 37 CRF 1.10**

Sir:

1. Applicant petitions that the above-identified patent application be accorded the filing date of January 19, 2001, the date upon which the papers were sent to the US Patent Office via Express Mail. The Express Mail mailing label EJ764218000US is included as Exhibit A. The date in: is 1-19-01.
2. Enclosed please find a copy of the first page of the transmittal (Exhibit B) of the above-identified patent application. The first page of the transmittal includes an Express Mail Certification which notes a date of deposit of 1/19/01.
3. Enclosed please find a copy of the Return Postcard (Exhibit C) for the patent application. The Return Postcard notes the Express Mail mailing Label EJ764218000US and a filing date of 1/19/01. The date in: on the postcard that was entered by the US Patent Office is 2/16/01.
4. Applicant's submission is timely as Applicant only became aware of the error on 7/18/06 when responding to a Japanese office action for the Japanese counterpart of this application. The inventor pointed out that the reference cited was actually published after the filing date of the application. Upon closer observation, I noticed that the filing date on the

postcard from the PTO (Exhibit C) and the filing receipt (Exhibit D) for the US case was incorrect.

**The Patent Office is hereby authorized to charge the petition fee of \$130.00 set forth in 37 C.F.R. 1.17(h) to deposit account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to deposit account 08-2025 pursuant to 37 C.F.R. 1.25.**

Respectfully submitted,

By Denise A. Lee

Denise A Lee

Reg. No. 35,931

Dated: 8/3/06

Telephone: 650/236-4868

Hewlett-Packard Company  
IP Administration  
P O Box 272400  
Fort Collins, CO 80527-2400

# Exhibit A



## POST OFFICE TO ADDRESSEE

EU764218000US

<b>ORIGIN (POSTAL USE ONLY)</b>			
PO ZIP Code: 94406	Day of Delivery: <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Rate Envelope: <input checked="" type="checkbox"/> 5 LB. <input type="checkbox"/> 10 LB.	
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Time In: 2:06	Military: <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee: \$0.00	
Weight: 7.9 lbs.	Int'l Alpha Country Code:	COD Fee:	Insurance Fee:
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<b>FROM: (PLEASE PRINT)</b> ERIC H. J. 20601 BERGAMO WAY NORTHBIDGE CA 91326 PHONE 818-948-7220	<b>TO: (PLEASE PRINT)</b> BOX PATENT APPLICATION ASST. COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231
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Label 11-B July 1997

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(for 1006736-1)

**Exhibit B**

IN THE U.S. PATENT AND TRADEMARK OFFICE  
Patent Application Transmittal Letter

COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is a(n): ☒ Utility ☐ Design

☒ original patent application,

☐ continuation-in-part application

INVENTOR(S): John G. Apostolopoulos & Gregory W. Wornell

TITLE: METHOD AND SYSTEM FOR PACKET COMMUNICATION EMPLOYING PATH DIVERSITY

Enclosed are:

☒ The Declaration and Power of Attorney. ☐ signed ☒ unsigned or partially signed

☒ 10 sheets of drawings (one set) ☐ Associate Power of Attorney

☐ Form PTO-1449 ☐ Information Disclosure Statement and Form PTO-1449

☐ Priority document(s) ☐ (Other) (fee \$ )

CLAIMS AS FILED BY OTHER THAN A SMALL ENTITY				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) TOTALS
TOTAL CLAIMS	28 — 20	8	X \$18	\$ 144
INDEPENDENT CLAIMS	2 — 3	0	X \$80	\$ 0
ANY MULTIPLE DEPENDENT CLAIMS	0		\$270	\$ 0
BASIC FEE: Design (\$320.00 ); Utility (\$710.00 )				\$ 710
TOTAL FILING FEE				\$ 854
OTHER FEES				\$
TOTAL CHARGES TO DEPOSIT ACCOUNT				\$ 854

Charge \$ 854 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

"Express Mail" label no. EJ764218000US

Date of Deposit Jan. 19, 2001

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231.

By

Typed Name: ERIC HO

Respectfully submitted,

John G. Apostolopoulos & Gregory W.

By

ERIC HO

Attorney/Agent for Applicant(s)

Reg. No. 39,711

Date: Jan. 19, 2001

Telephone No.: (818) 998-7220

# EXhibit C

Dear Sir:

Please acknowledge receipt of the 10006736-1 Atty: Marc Schuyler

Inventors: John G. Apostolopoulos & Gregory W. Wornell

Title: METHOD AND SYSTEM FOR PACKET

COMMUNICATION EMPLOYING PATH DIVERSITY

28 Pages of specification, claims, & abstract  
28 Claims (total #)  
10 Sheets of Drawings  
X Declaration and Power of Attorney (unsigned)  
X Fee Transmittal (in duplicate) authorizing PTO to charge  
filing fees of \$854.00 to Deposit Account 08-2025  
X Express Mail No. EJ764218000US Dated 1/19/2001

MPS ✓  
CML -  
PA



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MAY 31 2001

EXhibit D



UNITED STATES PATENT AND TRADEMARK OFFICE

HP LEGAL  
IPA

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
WWW.USPTO.GOV

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/784,226	02/16/2001	2661	854	10006736-1	10	28	2

CONFIRMATION NO. 2518

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

MPS  
CMZ:PA

FILING RECEIPT



\*OC000000006101324\*

Date Mailed: 05/22/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

John G. Apostolopoulos, Residence Not Provided;  
Gregory W. Wornell, Residence Not Provided;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 05/21/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Method and system for packet communication employing path diversity

Preliminary Class

370